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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,921	09/22/2003	Hiroaki Itakura	008312-0306033	5089
909	7590	06/01/2005	EXAMINER	
PILLSBURY WINTHROP SHAW PITTMAN, LLP			LEA EDMONDS, LISA S	
P.O. BOX 10500			ART UNIT	
MCLEAN, VA 22102			PAPER NUMBER	
			2835	
DATE MAILED: 06/01/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/664,921

Applicant(s)

ITAKURA ET AL.

Examiner

Lisa Lea-Edmonds

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-15 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/12/04, 4/7/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The examiner of record has considered the information disclosure statements (IDS) submitted on 02/12/04, 04/07/05, and 04/22/05.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 6, 7, and 10-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Gamble et al. (6249432). With respect to claims 1-4, 6, and 7, Gamble et al. teaches an electronic apparatus (37) comprising housing; a module (13, 73) contained in the housing; and holder (15, 75) to support the module (13, 73), the holder (15,71) interposed between the housing and the module (13, 73), and having plurality of shock absorbing parts (51, 91, 99) contacting the inside of the housing, wherein the holder (15, 75) has a guide plate (21, 81) on which the module (disk unit 13, 73) is mounted, and the shock absorbing parts (51, 91, 99) are formed on the guide plate (21, 81), wherein the shock absorbing parts (51, 91, 99) support the guide plate (21, 81) of the holder (15, 75), floating against to the housing, wherein the module (13, 73) includes a main body which has a plurality of corners, the guide plate (21, 81) the holder (15, 75) has a size corresponding to the main body, and the shock absorbing parts (51, 91, 99) are formed on the guide plate (21, 81), corresponding to the corners of the main body,

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wherein the housing includes a receptacle (35) to contain the module, and the receptacle (35) has a slot to insert the module (13, 73) and a connector opposite to the slot and connected to the module (13, 73), and the holder (15, 75) is located between the slot and the connector, as claimed (see for example figures 1-7). With respect to claims 10-12, Gamble et al. teaches an electronic apparatus (37) comprising a housing having a receptacle (35); a module (13, 73) contained in the receptacle (35); and a holder (15, 75) interposed between the inside of the receptacle (35) and the module (13, 73), the holder (15, 75) having a guide plate (21, 81) to mount the module (13, 73), and a plurality of shock absorbing parts (51, 91, 99) projecting from the guide plate (21, 81) toward the inside of the receptacle (35) and contacting the inside of the receptacle (35), wherein the receptacle (35) of the housing has a slot to insert the module (13, 73), and a connector opposite to the slot and connected to the module (13, 73) and the guide plate (21, 81) of the holder (15, 75) is fixed to the housing and located between the slot and the connector, wherein the module (13, 73) includes main body having a plurality of corners, the guide plate (21, 81) of the holder (15, 75) has a size corresponding to the main body, and the shock absorbing parts (51, 91, 99) of the holder (15, 75) are formed on the guide plate (21, 81), corresponding to the corners of the main body, as claimed (see for example figures 1-7). With respect to claims 13 and 14, Gamble et al. teaches an electronic apparatus (37) comprising a housing having a slot; a disk unit (13, 73) inserted to the inside of the housing through the slot; a guide plate (21, 81) interposed between the inside of the housing and the disk unit (13, 73), the guide plate (21, 81) having a guide surface slidably contacting the disk unit (13, 73) when the disk unit (13,

73) is inserted through the slot; and a plurality of spring pieces (51, 91, 99) projecting from the guide plate (21, 81) toward the inside of the housing, and contacting the inside of the housing, wherein the housing includes a receptacle to contain the disk unit (13, 73), the receptacle has a connector to connect the disk unit (13, 73), and the guide plate (21, 81) has a wall to guide the toward the disk driving unit (13, 73) from the slot connector, as claimed (see for example figures 1-7).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5, 9, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gamble et al. (6249432). With respect to claims 5 and 15, Gamble et al. teaches the invention set forth in claims 1 and 2 (see the above rejection). However, Gamble et al. lacks a teaching of the shock absorbing parts (51, 91, 99) of the holder (15, 75) project from the guide plate (21, 81) to the bottom wall, elastically contacting the bottom wall, as claimed. It would have been obvious to one skilled in the art at the time the invention was made to relocate the shock absorbing parts (51, 91, 99) to the bottom wall, since it has been held that mere rearrangement of parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70. With respect to claim 9, Gamble et al. teaches the invention set forth in claim 1 (see the above rejection). However,

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Gamble et al. is silent on the type materials used for the holder. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the holder of Gamble et al to be made of synthetic resin, as synthetic resin is a well known "off-the-shelf" and readily available material commonly used in electronic equipment and components.

Allowable Subject Matter

6. Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: as to claim 8, patentability resides, at least in part, in the disk unit having a main body and a motor exposed outside of the main body and the guide plate of the holder has an opening into which the motor is inserted as claimed, in combination with the other limitations of the base claim.

Conclusion


8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please note the teachings of Becker et al. (6371434), Broder et al. (5995365), Chee et al. (6324054), Stolz et al. (6498722), Silverman et al. (6501644), Albrecht et al. (6545865), Lee (20020097556), and Merz et al. (20020154474).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Lea-Edmonds whose telephone number is 571-272-2043. The examiner can normally be reached on Monday - Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Field can be reached on (571) 272-2800, ext 35. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Lisa Lea-Edmonds
Primary Examiner
Art Unit 2835

2005-05-27